

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION**Los Angeles Regional Water Quality Control Board**

October 8, 2013

Mr. Melvin K. Squires
MAG Investments, Limited
1575 El Verano Drive
Thousand Oaks, California 91362

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7012 3460 0000 2166 1078

Mr. Michael S. Nightingale
Nightingale Studios
156 West Providencia Avenue
Burbank, California 91502

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7012 3460 0000 2166 1061

SUBJECT: REQUIREMENT FOR TECHNICAL REPORT PURSUANT TO CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2013-0154

SITE: FORMER COMMERCIAL INSPECTION SERVICES, INCORPORATED FACILITY, 156 WEST PROVIDENCIA AVENUE, BURBANK, CALIFORNIA (FILE NO. 109.0884)

Dear Messrs. Squires and Nightingale:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of the Los Angeles and Ventura Counties, including the referenced site.

The Regional Board is investigating potential sources for groundwater contamination within the United States Environmental Protection Agency (USEPA) San Fernando Valley Superfund Site (Superfund Site). It is known that groundwater within the Superfund Site, including the vicinity of the former Commercial Inspection Services, Incorporated (CIS, Inc.) facility, is contaminated with volatile organic compounds (VOCs) and heavy metals, particularly chromium.

The Regional Board has reviewed technical information and historical documents contained in Regional Board case files for the property located at 156 West Providencia Avenue, in the City of Burbank, California (the Site). The Site is currently owned and operated by Nightingale Studios and formerly owned by MAG Investments, Limited. Regional Board files indicate that CIS, Inc., occupied the Site between 1980 and 1994. CIS, Inc.'s operations at the Site consisted of non-destructive testing of aerospace hardware, including x-ray, fluorescent, magnetic particle, impregnation, ultrasonic and cleaning. Regional Board files state that chromium containing compounds, including sodium dichromate dihydrate and chromic acid, were used and stored during CIS operations at the Site. The subsurface impact, as a result of CIS, Inc.'s operations at the Site, has not been determined.

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

320 West 4th St., Suite 200, Los Angeles, CA 90013 | www.waterboards.ca.gov/losangeles

Mr. Melvin K. Squires
Mr. Michael S. Nightingale
Former Commercial Inspection Services


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Enclosed is a Regional Board order for technical report requirements pursuant to California Water Code Section 13267 Order No. R4-2013-0154 (Order). An Order was previously issued to Mr. Melvin K. Squires of MAG Investments, Limited. The attached Order has been revised to include Nightingale Studios, the current property owner of the Site. The attached Order requires MAG Investments, Limited and Nightingale Studios to prepare and submit a Subsurface Soil Investigation Workplan in order to evaluate the potential for soil and groundwater contamination.

Should you have any questions related to this project, please contact Ms. Luz Rabelo via telephone at (213) 576-6783 or via email at luz.rabelo@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Enclosures: California Water Code Section 13267 Order No. R4-2013-0154

cc: Ms. Lisa Hanusiak, USEPA Region IX
Mr. Leo Chan, City of Glendale
Mr. Bill Mace, City of Burbank Water Supply Department
Mr. Vahe Dabbaghian, Los Angeles Department of Water & Power
Mr. Milad Taghavi, Los Angeles Department of Water & Power
Mr. Richard Slade, ULARA Watermaster

Los Angeles Regional Water Quality Control Board

ORDER TO PROVIDE A TECHNICAL REPORT FOR
SUBSURFACE SOIL INVESTIGATION
CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2013-0154

DIRECTED TO MAG INVESTMENTS, LIMITED AND NIGHTINGALE STUDIOS

FORMER COMMERCIAL INSPECTION SERVICES, INCORPORATED FACILITY
156 WEST PROVIDENCIA AVENUE, BURBANK, CALIFORNIA
(FILE NO. 109.0884)

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) makes the following findings and issues this Order pursuant to California Water Code (CWC) section 13267, which authorizes the Regional Board to require the submittal of technical and monitoring reports.

1. The groundwater within the San Fernando Valley Groundwater Basin (Basin) has been impacted by discharges of heavy metals, specifically chromium. The San Fernando Valley Superfund Site (Superfund Site) lies within the Basin. The United States Environmental Protection Agency (USEPA) and the Regional Board are investigating the potential sources of the discharges to the Basin. The agencies are currently focused on identifying individuals and companies responsible for the discharges of chromium in the Basin and holding them responsible for the investigation and remediation of the source sites. The property located at 156 West Providencia Avenue, in the City of Burbank, California (the Site) is a potential source of chromium and overlies the Basin.
2. The Site is currently owned and occupied by Nightingale Studios and formerly owned and operated by MAG Investments, Limited. Between approximately 1980 and 1994, the Site was occupied by Commercial Inspection Services, Incorporated (CIS, Inc.). CIS, Inc. performed non-destructive testing of aerospace hardware at the Site. Testing services included x-ray, fluorescent, magnetic particle, impregnation, ultrasonic and cleaning. Regional Board files state that CIS, Inc. used and stored chromium containing compounds, including sodium dichromate dihydrate and chromic acid, during their operations at the Site. Regional Board files also state that CIS, Inc. is owned by MAG Investments, Limited. An Order was previously issued to Mr. Melvin K. Squires of MAG Investments, Limited. The Order has been revised to include Nightingale Studios, the current property owner of the Site. CIS, Inc. previously conducted investigations and remediation activities at the Site which focused on volatile organic compounds (VOCs) and not on heavy metals. Therefore, the potential impact to the subsurface soils at the Site, has not yet been determined.
3. CWC section 13267(b)(1) states:

"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region, or any citizen or

domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

4. Regional Board staff has obtained evidence indicating that there has been a discharge of waste at or from the Site. The supporting evidence includes a Chemical Storage and Use Questionnaire (CUQ) submitted by CIS, Inc. to the Regional Board, dated May 3, 1990, stating the use and storage of chromium containing compounds at the Site. The CUQ indicated that approximately 20 pounds of sodium dichromate dihydrate and approximately 20 pounds of chrome acid were stored at the Site. Additionally, on December 7, 2000 a subsurface soil investigation reported maximum chromium concentration of 3,930 mg/kg in the subsurface soils beneath the Site.

The former CIS, Inc. facility is among the suspected sources of waste discharge in the USEPA Superfund Site because of the chemicals used and the operations conducted at the Site. It is known that groundwater within the Superfund Site, including the vicinity of the former CIS, Inc. facility, is polluted with VOCs and heavy metals, particularly chromium. To date, a complete subsurface investigation of heavy metals in soil or groundwater has not been performed at the Site.

5. This Order identifies MAG Investments, Limited and Nightingale Studios as the entities responsible for the suspected discharges of waste identified in paragraph two (2) and four (4) because MAG Investments, Limited owned and operated the facility where the activities occurred that resulted in the suspected discharges of waste were performed by CIS, Inc. and Nightingale Studios currently owns and operates at the Site.
6. This Order requires the persons/entities named herein to prepare and submit a Subsurface Soil Investigation Workplan (Workplan) in order to evaluate the conditions at the Site and determine if any discharges of heavy metal compounds, specifically chromium, has impacted the soils beneath the Site that could consequently pose a threat to groundwater. You are expected to submit a complete Workplan, as required by this Order, to the Regional Board. The Regional Board may reject the Workplan if it is deemed incomplete and/or require revisions to the Workplan under this Order.
7. The Regional Board needs this information in order to determine whether the Site is a source of discharges of waste, specifically chromium, and to determine whether the subsurface soil conditions at the Site are causing or threatening to cause discharges of waste to the waters of the State within the Basin.
8. The burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The information is

necessary to identify sources of discharges of waste to the Basin and to assure adequate cleanup of the Stainless Steel Products/Industries facility, which as described above potentially poses significant threats to public health and the environment.

9. The issuance of this Order is an enforcement action by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This Order requires submittal of technical and/or monitoring reports and work plans. The proposed activities under the work plan are not yet known. It is unlikely that implementation of the work associated with this Order could result in anything more than minor physical changes to the environment. If the implementation may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to implementing any work plan.
10. Any person aggrieved by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at the following link:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED that MAG Investments, Limited and Nightingale Studios, pursuant to section 13267(b) of the CWC, are required to:

1. Submit a Subsurface Soil Investigation Workplan (Workplan) to the Regional Board by **January 15, 2014**. Guidance documents to assist you with this task can be found on the Internet at the following links:

"General Work Plan Requirements for a Heavy Metal Soil Investigation"

http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/GeneralWorkplanRequirementsforaHeavyMetalsSoilInvestigation.pdf

"Interim Site Assessment & Cleanup Guidebook (May1996),"

http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/may1996_voc_guidance.shtml

"Quality Assurance Project Plan"

http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/Board_SGV-SFVCleanupProgram_Sept2008_QAPP.pdf

2. The Workplan shall include detailed information of former and existing chromium storage, hazardous waste management, and associated practices.
3. The Workplan must also include proposed soil sampling boring locations which shall extend to a minimum depth of 25 feet below ground surface in the areas of the previous plating processes and waste treatment (sumps, clarifiers, etc.), hazardous waste storage area, and chemical storage area.
4. The Workplan must contain a health and safety plan (HASP), as per the guidelines.
5. The Workplan shall include a detailed schedule of implementation of the Workplan, including field work and providing a report of the results to the Regional Board.
6. Upon approval, the Workplan shall be implemented and a report summarizing the results according to the approved schedule must be submitted to the Regional Board.

The above item shall be submitted to:

Ms. Luz Rabelo
Water Resources Control Engineer
Remediation Section
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, California 90013
Phone: (213) 576-6783
Email: luz.rabelo@waterboards.ca.gov

Pursuant to 13267(a) of the CWC, any person who fails to submit reports in accordance with the Order is guilty of a misdemeanor. Pursuant to section 13268(b)(1) of the CWC, failure to submit the required Workplan described above by the specified due date(s) may result in the imposition of administrative civil liability by the Regional Board in an amount up to one thousand dollars (\$1,000) per day for each day the Workplan is not received after the above due date. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

The Regional Board, under the authority given by the CWC section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under the 13267 Order. The perjury statement shall be signed by a senior authorized MAG Investments, Limited and Nightingale Studios representative (not by a consultant). The perjury statement shall be in the following format:

"I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and

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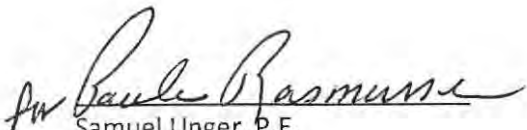
complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The State Board adopted regulations (Chapter 30, Division 3 of Title 23 & Division 3 of Title 27, California Code of Regulation) requiring the electronic submittal of information (ESI) for all site cleanup programs, starting January 1, 2005. Currently, all of the information on electronic submittals and GeoTracker contacts can be found on the Internet at the following link:

http://www.waterboards.ca.gov/ust/electronic_submittal.

To comply with the above referenced regulation, you are required to upload all technical reports, documents, and well data to GeoTracker by the due dates specified in the Regional Board letters and orders issued to you or for the Site. However, the Regional Board may request that you submit hard copies of selected documents and data in addition to electronic submittal of information to GeoTracker.

SO ORDERED.


Samuel Unger, P.E.
Executive Officer

Oct. 8, 2013
Date